City of Memphis
TENNESSEE

A C WHARTON, JR.
MAYOR

November 18, 2014

City of Memphis City Council
125 North Main Street
Room 514
Memphis, Tennessee 38103

Council Members:

Pursuant to Home Rule Amendment No. 1852, Section 4, Paragraph 4, I am exercising my veto power over Ordinance No. 5564, in which Council passed an ordinance amending the Memphis and Shelby County Residential Code to suspend the requirements of the 2012 edition of the ICC residential Code relating to seismic design and construction until December 31, 2014, captioned as follows:

> An ordinance amending the Building Code to suspend the requirements of the 2012 edition of the ICC International Residential Code relating to the seismic design and construction elements until December 31, 2014 while a study committee reviews and recommends any changes and while the respective legislative bodies consider and implement such recommended changes.

I am choosing to veto Ordinance No. 5564 because it is believed by the State of Tennessee Fire Marshall to be contrary to the laws of the State of Tennessee. The City has received notice of their disapproval of this ordinance issued from the office of the Shelby County Attorney and attached thereto a letter from the State Fire Marshall, who asserts that this ordinance would place the City of Memphis in violation of the minimum building safety requirements established under State law. Please see the attached email and correspondence from Carter Gray, Assistant County Attorney, including a letter from Gary Farley, Director, Contract Inspection Services Section.

The Charter of the City of Memphis permits the City Council to pass ordinances "not in conflict with the Constitution or laws of ....the State of Tennessee." *See* Home Rule Amendment No. 1852, Section 1, Paragraph 9. Thus, I believe Ordinance No. 5564 is at grave risk of being contrary to the provisions of the Charter of the City of Memphis, as well as the laws of the State of Tennessee.

This official veto marks my request to the council to reexamine the passage of the ordinance in question, to allow the veto to stand and the prior ordinance to continue in force unamended, as an ordinance not viewed by the state as in conflict with the laws of the state of Tennessee. The Council of course, should it choose to override my veto, may do so with a simple majority vote.

Respectfully,

Mayor A C Wharton, Jr.

ACW/pp

Enclosures

cc: File

SUBSTITUTE ORDINANCE NO. 5564

AN ORDINANCE AMENDING THE BUILDING CODE TO SUSPEND THE REQUREMENTS OF THE 2012 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE RELATING TO SEISMIC DESIGN AND CONSTRUCTION ELEMENTS UNTIL DECEMBER 31, 2014 WHILE A STUDY COMMITTEE REVIEWS AND RECOMMENDS ANY CHANGES AND WHILE THE RESPECTIVE LEGISLATIVE BODIES CONSIDER AND IMPLEMENT SUCH RECOMMENDED CHANGES

Whereas, on December 18, 2012, the Memphis City Council approved Ordinance 5480 adopting the 2012 Edition of the ICC International Existing Building Code ("2012 Building code") that governs the structural design and construction activities that may be used during the renovation of, or additions to, existing structures and buildings in Memphis and Shelby County; and

Whereas, Ordinance 5521 approved June 18, 2013, extended the effective date of the code and the provisions provided therein to December 31, 2013, so as to give additional time and evaluation of the structural design provisions and their effects; and

Whereas, the timing of the implementation for seismic provisions for residential properties was agreed to and intended to be deferred until known problems with those provisions could be resolved by consultation between the building and design community and the Building Official; and

Whereas the immediate implementation of the seismic provisions for residential properties has created a hardship on residential property owners and practical difficulties for building and design professionals; and

Whereas, it is prudent and advisable that further study of the practical difficulties and hardships caused by the implementation of these seismic provisions be undertaken by a study committee authorized by the Chairman of the Council, in consultation with the Chairman of the County Commission.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that implementation and enforcement of the residential seismic design standards of the 2012 Building Code are suspended until December 31, 2014, while the study committee, which shall include the Building Official, reviews the current seismic standards and recommends whether any changes should be made.

SECTION 2.

BE IT FURTHER ORDAINED that should the study committee need additional time for study beyond the December 31, 2014 suspension date, an additional period of six months shall by resolution be authorized by the City Council and County Commission.

SECTION 3.

#34 Revised Copy

BE IT FURTHER ORDAINED that during the suspension period(s) the 2012 Memphis and Shelby County Residential Code shall be hereby amended to provide a second alternative compliance method for meeting the seismic design requirements, within the corporate limits of the City of Memphis, which has wide acceptance by the regulated community and which is believed will continue to provide a residential code which will meet the requirements of state law to permit an alternative method by:

1. Modifying Section R301.2.2, number 2, by replacing the last phrase in that section with the following, "however, such detached one and two family dwellings constructed using wood framing in Seismic Design Categories D_0, D_1 and D_2, shall be allowed, as alternative compliance methods for meeting the structural requirements of this code's seismic provisions, to comply with the requirements in Section R301.2.2.3.8 or R301.2.2.3.9." so when amended the entire section shall read as follows:

   > **R301.2.2 Seismic provisions.** The seismic provisions of this code shall apply as follows:
   > 1. Townhouse in Seismic Design Categories C, D_0, D_1 and D_2,
   > 2. Detached one and two family dwellings in D_0, D_1 and D_2, however, such detached one and two family dwellings constructed using wood framing in Seismic Design Categories D_o and D_1 shall be allowed, as alternative compliance methods for meeting the structural requirements of this code's seismic provisions, to comply with the requirement in Section R301.2.2.3.8 or Section R301.2.2.3.9.

2. Modifying the heading of Section R301.2.2.3.8 by adding the word "First" at the beginning of that heading, and making such other grammatical changes resulting from the addition of a second alternative method of compliance, so when amended it shall read as follows:

   > **R301.2.2.3.8 First alternative compliance method for structural requirements.** In addition to meeting all the structural requirements for Seismic Design Category C and sections R301.2.2.3.1, R301.2.2.3.6 and R301.2.2.3.7, an alternative compliance method for meeting structural requirements when wood framing is used shall include compliance with the following items. In the event any requirement in this section differs from wind code structural requirements, the more stringent will apply. This alternative compliance method is allowable only when the total wall opening area does not exceed 30 percent of wall area along each of the four main exterior walls, not containing a garage door opening.
   >
   > 1. A minimum of two 24" prefabricated shear panels may be installed in any one exterior wall with openings that exceed the 30 percent requirement and still be considered in compliance with the amendment conditions.

3. Adding a new section R301.2.2.3.9 entitled "Second alternative compliance method for structural requirements" and the indicated subsection as shown below, which shall read as follows:

R301.2.2.3.9 Second alternative compliance method for structural requirements. In addition to meeting all the structural requirements for Seismic Design Category C and sections R301.2.2.3.1, R301.2.2.3.6 and R301.2.2.3.7, a second alternative compliance method for meeting structural requirements when wood framing is used shall include compliance with the following items. In the event any requirement in this section differs from wind code structural requirements, the more stringent will apply.

R301.2.2.3.9.1 Full exterior wood structural sheathing. Except in the locations specified in R301.2.2.3.9.2 below, installation of a full exterior 7/16 inch (11mm) minimum wood sheathing.

R301.2.2.3.9.2 Garage doors openings. Engineered brace wall panels shall be required at garage door openings when such openings are not provided with sufficient support from the full wood sheathing required by this alternative compliance method or in any other location when the owner wished to use such devices as a method of meeting seismic requirements.

R301.2.2.3.9.3 Anchorage exterior walls (Sole Plates). Exterior wall sole plates shall be secured to the foundation r framing below by one of the following methods:

1. Foundation: ½ inch (12.7 mm) anchor bolts with 3 inch by 3 inch (76 mm by 76 mm) washers embedded in the foundation a minimum of 7 inches (178 mm) in depth. Such anchor bolts are to be placed 4 feet on center maximum and within 12 inches (305mm) of the end of each plate section. A minimum of 2 anchors per plate section is required.
2. Foundation: MASA anchors or equivalent embedded in the foundation and placed at 4 feet (1219 mm) on center maximum and within 12 inches (305 mm) of the end of each plate section. A minimum of 2 anchors per plate section is required.
3. Elevated Floors; 10d nails placed at 8 inches on center and embedded in a continuous rim board. Rim board depth to match depth of floor framing. Rim board shall be nailed to the end of each floor framing member with three 10d nails. Where floor framing parallels exterior wall, 2 rim boards shall be provide and nailed per Table R602.3(1). The rim board shall be fastened to wall top plate with metal plates at 6 feet (1829 mm) on center; installed plate capacity shall equal or exceed 440 pounds.

R301.2.2.3.9.4 Anchorage all structural interior walls (Sole Plates).
Interior wall framing shall be secured by one of the following methods:

1. Foundation: ½ inch (12.7mm) anchor bolts, with 3 inch by 3 inch (76 mm by 76 mm) washers, embedded a minimum of 7 inches (178 mm) in depth in the concrete foundation (thickened slab) at 4 feet

(1219 mm) on center maximum and within 12 inches (305 mm) of the end of each plate section.

2. Foundation: By power actuated fasteners that provide 210 pounds per linear foot shear capacity placed 2 feet (610 mm) on center maximum and with 12 inches (305 mm) of each plate section or equivalent means of anchorage. A minimum of 2 anchors are required per plate section.
3. Elevated Floor; 10d nails placed at8 inches (204 mm) on center and embedded in one of the flowing:
   a) Structural wall top plate flush with bottom of floor sheathing, or
   b) Floor joist parallel with and directly below plate; or
   c) Blocking, depth to match, place between floor joists and running the full length of plate. Blocking to be nailed per Table R602.3(1).

R301.2.2.3.9.5 Stud spacing- exterior walls. All 2x4 exterior walls shall be a maximum of 16 inch stud spacing

R301.2.2.3.9.6 Connections across floor joist space. 18 gauge galvanized steel coil strapping (ex. CS 18) installed at 48 inch (1219 mm) on center across floor joist space or equivalent is require on all exterior walls and stacked interior structural walls. Strapping shall run vertical along edge of studs and shall be centered on floor joist space. Studs shall be vertically aligned.

R301.2.2.3.9.7 Roof framing connections. Roof framing members shall be fastened to wall top plate with 18 gauge galvanized steel clips (ex. H2.5A) or equivalent, not to exceed 48 inches (1219 mm) on center maximum. Provide clips in addition to fastening requirements in Table R602.3(1). This requirement applies to all contact points with load bearing walls. In the event wind fastening requirements differ the more stringent shall apply.

R301.2.2.3.9.8 Brick veneer

1. Exterior brick veneer shall not exceed 25 feet (772 mm) in height above non-combustible foundation. Brick at gable peaks shall not exceed 40 feet (12192 mm) in height above non-combustible foundation.
2. Exterior brick veneer shall comply with all other applicable Chapter 7 IRC requirements.
3. Interior brick veneer and masonry chimneys shall comply with Chapter 7 IRC requirements.

SECTION 4.

BE IT FURTHER ORDAINED that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 5.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance, shall take effect after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and/or shall become effective as otherwise provided by law the public welfare requiring it.

Adopted: October 7, 2014

Sponsored by: Reid Hedgepeth

Jim Strickland, Council Chairman

THE FOREGOING ORDINANCE

5564 PASSED

1st Reading 8-19-14

2nd Reading 9-2-14

3rd Reading 10-7-14

Approved _____
Chairman of Council

Date Signed: 10-21-14

Approved: _____
Mayor, City of Memphis

Date Signed: _____

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

_____
Comptroller